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Honorable Salvador Mendoza, Jr.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

JAMES BLAIS and GAIL BLAIS,

Plaintiffs,

v.

ROSS HUNTER, in his official
capacity of Secretary of Washington
State Department of Children, Youth,
and Families,

Defendant.

NO. 2:20-cv-00187-SMJ

DEFENDANT ROSS
HUNTER'S RESPONSE TO
PLAINTIFFS' MOTION TO
AMEND COMPLAINT

Defendant Ross Hunter, in his official capacity as the Secretary of the Washington State Department of Children, Youth, and Families, does not oppose Plaintiffs' Motion to Amend Complaint (ECF No. 64), given the liberal standards for amendment of pleadings. Secretary Hunter does not agree that Plaintiffs'

DEFENDANT ROSS HUNTER'S
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1 claims satisfy the criteria justifying class action status and does not agree that
2 their claims should be afforded that status. Secretary Hunter, therefore, reserves
3 the right to respond to any such motion for class certification should Plaintiffs
4 formally make this request.

5 Moreover, should this Court grant Plaintiffs' motion to amend, Secretary
6 Hunter requests that the Scheduling Order (ECF No. 63) be amended to allow
7 additional time for expert witness identification. Under the Scheduling Order,
8 Secretary Hunter's initial expert identification is due on November 23, 2020.
9 Plaintiffs' Motion to Amend Complaint will not be heard until December 9, 2020.
10 Unless the current Scheduling Order is amended, Secretary Hunter will need to
11 make his initial identification of expert witnesses before knowing if Plaintiffs'
12 Motion to Amend Complaint has been granted. If the November 23, 2020
13 deadline is not extended, Secretary Hunter will be unfairly prejudiced by having
14 to select expert witnesses without first tailoring his defense to the newly amended
15 complaint.¹

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20 ¹ It should be noted that, should the Court certify this action as a class
21 action, the Scheduling Order will need to be modified and all of the scheduled
22 deadlines, including the trial date, will need to be extended.

DEFENDANT ROSS HUNTER'S
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1 Secretary Hunter requests that this Court order the parties to propose a new
2 date for identifying, selecting, and exchanging information about expert
3 witnesses within 14 days of this Court's order on Plaintiffs' Motion to Amend
4 Complaint. Beyond this request to modify the Scheduling Order, Secretary
5 Hunter does not object to Plaintiffs' Motion for Leave to Amend Complaint.

6 DATED this 23rd day of November 2020.

7 ROBERT W. FERGUSON
8 Attorney General

9 By: s/ Jeffrey C. Grant

10 JEFFREY C. GRANT, WSBA No. 11046
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CERTIFICATE OF SERVICE

I certify under penalty of perjury of the laws of the state of Washington and the United States that on November 23rd, 2020, I caused Defendant Ross Hunter's Response to Plaintiffs' Motion to Amend Complaint to be electronically filed with the Clerk of the Court using the CM/ECF System, which will automatically generate a Notice of Electronic Filing (NEF) to all Parties in this action who are registered users of the CM/ECF System. The NEF specifically identifies recipients of electronic notice.

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